

HOUSE BILL REPORT

HB 2347

As Reported by House Committee On:
Judiciary

Title: An act relating to the possession of spring blade knives.

Brief Description: Concerning the possession of spring blade knives.

Sponsors: Representatives Dammeier, Kelley, Wilcox, Van De Wege, Pearson, Hurst, Zeiger, Seaquist, Rodne, Ladenburg, Hope, Green, Klippert and Moscoso.

Brief History:

Committee Activity:

Judiciary: 1/25/12, 1/30/12 [DPS].

Brief Summary of Substitute Bill

- Exempts firefighters and rescuers, Washington State Patrol officers, and military members from certain prohibitions against spring blade knives.
- Permits the manufacture, sale, transportation, distribution, and possession of spring blade knives pursuant to contracts with certain permitted agencies and companies.
- Allows for testing of prototypes and other evaluative uses of spring blade knives by permitted agencies and companies.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Chandler, Eddy, Hansen, Kirby, Klippert, Nealey, Orwall, Rivers and Roberts.

Staff: Omeara Harrington (786-7136).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

There is a general prohibition against manufacturing, selling, or possessing certain weapons, including:

- slung shots;
- sand clubs;
- metal knuckles;
- spring blade knives;
- knives with blades that are automatically released by a spring or other mechanism; or
- knives with blades that open by the force of gravity or by a downward, outward, or centrifugal movement of the knife.

It is a gross misdemeanor to violate this prohibition. However, law enforcement officers may possess spring blade knives while on official duty, and may not be prosecuted for possession of a spring blade knife when transporting the knife to and from its place of storage.

Summary of Substitute Bill:

The exemption allowing law enforcement officers to possess, transfer, and store spring blade knives for purposes of official duty is expanded to include firefighters and other rescue members, Washington State Patrol (WSP) officers, and military members, and to facilitate actual use of spring blade knives. Spring blade knives may also be manufactured, sold, transported, distributed, or possessed pursuant to contracts with these actors' agencies. Manufacturer contracts with other manufacturers and commercial distributors are exempt from the prohibition against spring blade knives. Trials, testing, and other uses related to evaluation and assessment of spring blade knives by permitted users, companies, and agencies are also exempt.

The general term "spring blade knife" is to be used to describe the various kinds of knives prohibited in the dangerous weapons statute. Knives with a mechanism designed to create a bias toward closure of the blade that must be overcome by physical exertion are not spring blade knives.

Substitute Bill Compared to Original Bill:

The definition of "spring blade knife" includes prototypes, models, and other sample spring blade knives.

General authority law enforcement officers, firefighters and rescue members, WSP officers, and military members are permitted to use (rather than simply possess) spring blade knives for purposes of official duty, and during transport and storage.

Manufacturer contracts with other manufacturers and commercial distributors are exempt from the prohibition against spring blade knives.

Trials, testing, and other uses related to evaluation and assessment of spring blade knives by general authority law enforcement agencies, fire and rescue agencies, the WSP, military agencies, and manufacturers and commercial distributors are permitted.

The exception to the prohibition against possession of spring blade knives for holders of valid concealed pistol licenses was removed.

The following changes were made to the military exemption to the prohibition against spring blade knives:

- The exemption was expanded to include all members of the National Guard and reserve components who are in good standing.
- Language was added to specify that sale, transportation, distribution, and possession of spring blade knives is permitted pursuant to a contract with any active, reserve, or National Guard component of the United States military, including the Army, Air Force, Marines, and Coast Guard.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is a jobs bill. Though there are Washington manufacturers who would prefer to keep the jobs in Washington, they are prepared to expand into Idaho and Oregon where these knives are legal. The knife industry has grown a lot and local companies need to be able to compete and not lose business to neighboring states. There is a market demand for these knives and a brand new company here in Washington that needs to be able to manufacture them. Right now this has to be outsourced and Washington companies are losing a competitive advantage by having to set up sister facilities. The most successful knife companies are those that can manufacture knives for use by military and law enforcement and those agencies use automatic knives.

Firefighters, law enforcement, and military not only desire to use these knives as part of their jobs, they are actually drilling with these knives in violation of state law. This bill is needed to keep soldiers out of trouble. Current state laws prohibit members of the military from possessing the knives that have been issued to them upon deployment to combat zones. These military members are financially responsible for their issued weapons, which are government owned. A majority of states allow military members to possess these knives. There needs to be some small changes to fully encompass all members of the National Guard who are not always on active duty.

These are tools, not weapons. Most crimes are done with kitchen knives, not tools like these. There are a lot of uses for tools being automatic, especially for those who have to use them for their jobs, from private security to ski patrol. This is a tool that people in rescue professions can use to cut people free from seatbelts and other precarious situations.

This is a good bill with one problem. The language requiring a contract is problematic because it prohibits the ability of manufacturers to develop prototypes.

(Opposed) None.

Persons Testifying: Representative Dammeier, prime sponsor; Mike Vellekamp, Fox Knives USA; Spencer Frazer, SOG Knives Incorporated; Adam Rosenlund, Fire Departments; Steve Avila, Blade-Tech Industries; Todd Rathner, Knife Rights; and Brigadier General Bret Daugherty, Washington Military Department.

Persons Signed In To Testify But Not Testifying: None.